



June 15, 2022

The Honorable Annie Petsonk
Principal Deputy Assistant Secretary for
Aviation & International Affairs
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Captain Billy Nolen, FRAeS
Administrator (Acting)
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue, SW
Washington, D.C. 20591

Re: Docket: DOT-OST-2021-0103

Dear Ms. Petsonk and Captain Nolen:

Alaska Airlines, Inc. ("Alaska") has noted with concern recent correspondence by Spirit Airlines, Inc. ("Spirit") and other carriers regarding congestion and access issues at Newark-Liberty International Airport ("EWR"). While Alaska currently operates a modest level of service at EWR to select West Coast cities, it seeks to grow at EWR in order to bring its award-winning service and lower fares to more travelers. That is why, when the FAA in February 2022 invited proposals from eligible carriers for the reallocation of 16 runway timings at EWR, Alaska applied with enthusiasm. As described more fully in that application, Alaska serves a unique competitive role at EWR by focusing on longer-segment flights between EWR and the largest West Coast cities. Alaska strongly believes that a timing award in its favor will enhance low-fare competition at EWR, provide seamless global connections through its membership in the **oneworld** Alliance, and offer increased high-quality service to consumers.

For years, Alaska has worked diligently to explore all options for increasing its flights at EWR, but has run headfirst into EWR's airport capacity constraints. The FAA's efforts to limit capacity to 79 scheduled operations per hour during peak times, consistent with the airport's "Level 2" status under the International Air Transport Association's Worldwide Airport Slot Guidelines, reflect these constraints.

Alaska respects that the peak hour limit at EWR serves a valuable, common purpose of avoiding significant operational disruption due to overscheduling, even

though the limit continues to prevent Alaska from growing its service offerings from EWR to the West Coast. However, as the FAA has made clear,¹ this common purpose is only served if all carriers at the airport play by the rules. For years, Alaska has diligently done so. By all measures, it is a model citizen at EWR. Alaska operates flights during peak hours only when it has been assigned appropriate runway timings by the FAA.

To be certain, Alaska has repeatedly and persistently tried to secure additional timings necessary to support longer-haul transcontinental service at commercially viable times, exercising all self-help options available to it. These efforts have unfortunately not been successful. Therefore, Alaska eagerly awaits DOT/FAA's decision in the runway timings reassignment proceeding.²

At the same time, Alaska is alarmed by Spirit's brazen decision to flout the FAA's carefully crafted operational scheme at EWR to the detriment of carriers that play by the rules and the traveling public. During the COVID-19 pandemic, the FAA allowed several carriers, including Spirit, to add select *ad hoc* flights during peak hours at EWR for a limited time only because other carriers had reduced their schedules at the airport. Today, these carriers have resumed their pre-pandemic level of flying at the airport, and thus the continuation of *ad hoc* flights contributes to congestion and delays at the airport. Yet Spirit continues to operate the flights it added during that time, apparently without regard for the FAA's peak-hour limit on scheduled operations.

Spirit has exhibited no restraint in taking full advantage of the carefully tailored operational flexibility that the FAA granted only in light of an unprecedented pandemic. As Spirit's own letter to DOT and FAA³ admits (and vividly illustrates), the level of total movements during some peak hours at EWR now exceeds the FAA's 79 movements-per-hour limit, with Spirit a key contributor to this problem given that its timings are not sanctioned by the FAA. Spirit's conduct demonstrates that, in a Level 2 environment in

¹ The FAA recently "reiterated its enforcement limitations based on the Level 2 designation at Newark. 'The scheduled demand for takeoff and landing timings at [EWR] is managed through airlines voluntarily and mutually agreeing to each other's schedules, which they know since it has been that way for some time now.'" "United Blames Other Airlines for Congestion at Newark," Oriana Pawlyk, PoliticoPro, June 1, 2022.

² In part due to Spirit's disregard of runway capacity, Alaska has been unable to secure access to operate its historical transcontinental schedule times to the West Coast, despite repeated attempts to do so. In addition, Spirit's added flights have exacerbated these difficulties: the customer experience has declined significantly at EWR due to overcrowding in the terminal and security lines Alaska shares with Spirit. Alaska has even been forced to consolidate its operations to two gates during much of the day, reducing Alaska's ability to compete and operate its desired schedule. As DOT/FAA considers its competition goals at EWR, Alaska urges DOT/FAA to intercede as necessary to ensure that its competition objectives are not hindered by gate access issues.

³ Letter of Spirit Airlines, May 12, 2022.



which the FAA relies on voluntary carrier compliance, bad behavior is rewarded if not called out and addressed. This is unfair to carriers that follow the rules, like Alaska.

What's worse, Spirit is engaging in a blatant attempt to game the pending EWR runway timings case. In its letter, Spirit acknowledges that it "propose[s] to continue its current flying permanently if it is assigned ... the peak-hour runway timings in the [pending proceeding]." Spirit thus implies that absent a full award, it would be forced to discontinue some of its current flying, potentially causing adverse consequences for travelers. Thus, Spirit's strategy in continuing to operate unsanctioned timings at EWR is designed to strong-arm DOT/FAA into awarding it the 16 runway timings at issue. DOT should not fall for this ploy.

Alaska takes no position on other issues raised by letters in this docket related to EWR. It merely urges DOT/FAA, in evaluating the runway timing reallocation proceeding, to resist rewarding the behavior of a carrier like Spirit that so blatantly undermines the Level 2 schedule facilitation process at EWR. This is particularly so when other carriers like Alaska have a long and continuing track record of observing the FAA's carefully crafted operational scheme at EWR.

Sincerely,



Andrew Harrison
Executive Vice President and Chief Commercial Officer
Alaska Airlines, Inc.